

U.S. Patent Application Serial No. 10/710,589  
Request for Reconsideration filed July 12, 2007  
Reply to OA dated March 12, 2007

### **REMARKS**

Claims 1, 2, 4 - 14 and 17 are pending in this patent application, claims 15 and 16 having been canceled without prejudice or disclaimer, and claim 3 having been withdrawn. Claims 1 and 7 are independent claims.

Claims 1, 2 and 4 - 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aigner (U.S. Patent No. 6,734,770) in view of Yao (U.S. Patent No. 5,578,976). The applicants respectfully request reconsideration of this rejection.

With respect to the Examiner's current position, as discussed in the "Response to Arguments" portion on page 2 of the outstanding Action, the Examiner has taken the position Yao is relied upon for teaching that a driving electrode can be formed on the surface of a cantilever arm that is opposite the base substrate. However, the issue here is whether it is appropriate to apply such teaching to Aigner.

As previously pointed out, Aigner teaches a cantilever arm 9 (switch), which itself is made of a doped material to work as an actuation electrode 6 (first driving electrode); thereby, obviating the need for providing any separate electrode on the cantilever arm 9. Therefore, it is against the

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teaching of Aigner to modify the structure of Aigner in view of Yao's teaching; and to do so would destroy the utility of Aigner's device.

In addition, it is the applicants' position that the Examiner improperly relies on hindsight reconstruction of the applicants' claimed invention by picking and choosing only convenient portions or elements of the disclosures of Aigner and Yao in rejecting the pending claims, as amended. However, the disclosure of each applied reference must be considered, in their entireties, when the teachings thereof are relied upon in combination. As previously pointed out, Aigner and Yao equally fail to teach or suggest the need for and the advantage of forming a movable contact electrode and a first driving electrode together on the same electrode carrying surface of the extending part on a side opposite to the base substrate.

In view of the above, a person of ordinary skill in the art would not have found the applicants' claimed invention, as now set forth in the amended claims filed herewith, obvious under 35 U.S.C. §103(a) based on Aigner and Yao, singly or in combination. Accordingly, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. §103(a) based on Aigner (U.S. Patent No. 6,734,770) in view of Yao (U.S. Patent No. 5,578,976) is in order, and is therefore respectfully solicited.

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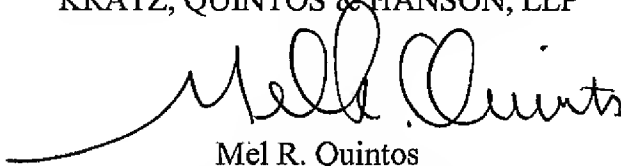
In view of the aforementioned remarks, the claims filed herewith are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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